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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,319	01/14/2004	Nicolas Terrand	28944/40087	3523

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EXAMINER

HARRIS, STEPHANIE N

ART UNIT PAPER NUMBER

3636

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,319

Applicant(s)

TERRAND ET AL.

Examiner

Stephanie Harris

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-12, the terminology used throughout the claims (i.e. stop member, stop devices, stop mechanism, stop branch) is inconsistent. Due to the numerous errors of antecedent basis, it is unclear whether applicant is claiming separate elements or if the terminology is inconsistent. It appears from the specification that applicant is using inconsistent terminology.

Claim 3 recites the limitation "the stop mechanism" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "said pin" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "said first stop member" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the first stop branch" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said stop notch" in lines 5 and 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the first and second stop members" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the first and second stop branches" in lines 4-5.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Courtois et al. (USPN 5860703).

Regarding claim 1, Courtois discloses a headrest device for a vehicle seat as seen in Figure 1. The headrest device comprises a headrest carried by a support (34) designed to be secured to the back of a seat as seen in Figures 1 and 5. The headrest device further comprises a stop device (14, 15, 16) that is mounted to move between an inactive position in which the stop device is adapted to enable the headrest to be moved downwards into a retracted position and a second active position in which the stop device is adapted to enable the headrest to be raised from a retracted position to a low abutment position, and to prevent the headrest from being moved downwards beyond its low abutment position after it has been raised from its retracted position at least up to the low abutment position (Col. 4, lines 5-41) as seen in Figures 1-3 & 7-9. The headrest

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device further comprises an actuator device (49) is adapted to move the stop device from its inactive position to its active position while the headrest is being moved into its retracted position (Co. 5, line 58- Col. 6, line 27).

Regarding claim 2, an adjustment mechanism (9) is adapted to enable the headrest to move substantially vertically and as a whole between a high position and a low abutment position as seen in Figures 7-9.

Regarding claim 3, the headrest is connected to the support via a vertical pin (8). A stop mechanism (44) is disposed so that the pin slides relative to the stop mechanism between first and second positions while the headrest is being moved respectively between its retracted position and its low abutment position (Col. 5, line 46- Col. 6, line 27). The actuator device (49) is adapted to interfere with the pin when the headrest reaches its retracted position, and then to move the stop device into its active position (Col. 5, line 46-Col. 6, line 27).

Regarding claim 4, the stop device (14, 15, 16) comprises at least one stop member (15) urged resiliently towards the pin (8) as seen in Figure 3. The stop member (15) is disposed in resilient abutment against a wall (22) interposed between the first stop member (15) and the pin (8) when the stop device is in the inactive position as seen in Figure 3. The actuator device (49) is connected to the stop device, via adjustment mechanism (9), and being adapted to drive the stop device (14, 15, 16) vertically while the headrest is being moved towards its retracted position, until the first stop member comes to face an unobstructed passageway making it possible for the first stop member to come into resilient abutment against the pin (Col. 3, lines 40-67). The

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pin is provided with a stop notch (18) which is disposed in register with the first stop member and in which the first stop member is adapted to engage when the pin is in its second position and when the stop device is in the active position (Col. 3, line 62- Col. 4, line 10). The stop notch is adapted to prevent the pin from sliding again towards its first position when the first stop member is engaged in the stop notch (Col. 4, lines 5-33).

Regarding claim 5, the stop device is carried by the support (9, 34), which includes the wall (22) against which the first stop branch (15) abuts when the stop device is in the inactive position, and the unobstructed passageway is provided in the wall as seen in Figure 3.

Regarding claim 6, the actuator device (49) comprises a second stop member (45) that is urged resiliently towards the pin (8) and is disposed so that the second stop member penetrates into a stop notch (30) when the pin is in an intermediate position between its second position and its first position as seen in Figures 7-9. The second stop member (45) drives the stop device from its inactive position to its active position when the pin slides from its intermediate position to its first position as seen in Figures 7-9.

Regarding claim 8, first and second stop members (45, 46) are mutually parallel and substantially horizontal first and second branches of a single resilient wire (44) as seen in Figures 5 & 7-9. Regarding claim 9, the support (9, 34) comprises a bushing (11), in which the pin (8) slides, and the resilient wire (44) can be carried by the bushing (Col. 6, line 1-9) as seen in Figure 3.

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Regarding claim 10, the resilient wire (44) comprises substantially horizontal third and fourth branches (48) which are substantially parallel to the first and second stop members (45, 46), which co-operate to form respective U-shaped springs, each of which clamps around the bushing, and the metal wire further comprises a vertical segment which interconnects the first and second stop members as seen in Figure 5.

Regarding claim 11, the headrest is mounted to slide on the pin between the high position and the low abutment position as seen in Figures 7-9.

Regarding claim 12, the support (34) is secured to the seat back as seen in Figure 1.

Regarding claim 7, the stop notch has a cam surface (32) that can be adapted to enable the second stop member to disengage from the stop notch by sliding on the cam surface when the pin slides from its first position to its second position (Col. 5, lines 8-10; Col. 6, lines 1-26) as seen in Figures 7-9.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to headrest devices: USPN 6364415, USPN 5934755, USPN 4657425, USPN 4589698, USPN 5056867, and JP 05329033.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie Harris whose telephone number is 703-305-1838. The examiner can normally be reached on Monday-Friday from 9am to 3pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo, can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SNH

June 26, 2004

Stephanie Harris
Examiner
Art Unit 3636


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600